IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2098 of 2005

Between:

Reddem Chandra Sekhara Reddy, S/o. Subba Reddy,
Chennamakkapalle, Khajipet Mandal, Kadapa District.

..... PETITIONER

AND

1 The District Collector, Kadapa, Kadapa District.
2 The Mandal Revenue Officer, Khajipet, Khajipet Mandal, Kadapa District.
3 The Revenue Divisional Manager, Kadapa, Kadapa District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction declaring the action of the respondents in not publishing the voters list and considering the objections as contemplating under Rule 9 (20 of A.P. Formers management of Irrigation System (Delineation and formation of Water Users Association) Rules 2003 as arbitrary, illegal and unjust and consequently direct the respondents to publish the voters list forthwith and after receiving the objections follow the procedure prescribed under the Rules to conduct elections to Chennamakkapalle of Khajipet Water Users Association, Khajipet, Kadapa District, and pass such other order or orders.

Counsel for the Petitioner : MR. T.NIRANJAN REDDY

Counsel for the Respondents : GP FOR REVENUE

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.2098 OF 2005

ORDER :

The petitioner is the President of Chinnamukkapalli Water Users' Association of Khajipet Mandal, Kadapa District. Since the term of the Committee expired, fresh elections to the Water Users Association has been proposed to be conducted. The petitioner states that as per the work schedule prescribed for Water Users Associations Elections, 2005, the voters lists shall be published in the village on 28-01-2005 to which objections, if any, can be filed from 29-01-2005 to 04-02-2005 and thereafter the final publication of voters lists shall be published on 9-2-2005. It is alleged that the 2nd respondent – Mandal Revenue Officer, Khajipet has not yet published the voters list as required under Rule 9 of the A.P. Farmers' Management of Irrigation System (Delineation and Formation of Water Users Associations) Rules, 2003 (for short, 'the Rules'), but is about to publish the final voters list. It is also alleged that the 2nd respondent has been deliberately withholding the voters list so as to deprive the petitioner and his group from contesting in the elections. It is also

stated that the petitioner made a representation before the third respondent – Revenue Divisional Officer, Kadapa on 1-2-2005 complaining about the irregularities being committed by the 2nd respondent and that the 3rd respondent directed the 2nd respondent to make the voters list available to the petitioner so as to ascertain whether the names of the persons belonging to his group were included or not. However, second respondent failed to comply with the directions and is proceeding to publish the final voters list and as per the work schedule for the Water Users Association Elections, 2005, the notification is required to be issued by the Commissioner on 14-02-2005. Hence, this writ petition seeking a declaration that the action of the respondents in not publishing the voters list as contemplated under Rule 9(2) of the Rules is arbitrary and illegal.

It is true that Rule 9 of the Rules prescribes a specific procedure for preparation of landholders list, voters list and other water users list for the purpose of conducting elections to the Water Users Associations. The said Rule provides in detail about the preparation of the list, publication of the same on the notice-board of the concerned Gram Panchayat and Mandal Parishad inviting objections and the objections, if any, received shall be considered before finalising the list. Whether such procedure has been followed or not by the 2nd respondent is a pure question of fact and cannot be decided by this Court. Hence, I am of the view that no purpose would be served by keeping the writ petition pending nor the matter deserves any directions staying the elections as prayed by the petitioner. Instead, I deem it appropriate to direct the first respondent who is the competent authority under the Act to take the appropriate action after enquiring into the allegations made by the petitioner.

In the circumstances, the writ petition is disposed of with a direction to the 1st respondent to look into the allegations made by the petitioner in the representation dated 1-2-2005, a copy of which is enclosed to the writ petition at page 10 of the material papers and to enquire into the correctness of the allegations made and to take further steps in accordance with law before issuing the notification on 14-02-2005 as per the work schedule.

The Writ Petition is accordingly disposed of. No costs.

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10th February, 2005.

Note :-

1. Issue operative by wire at party's costs.
2. After dispatching the wire, this Bundle will be sent to the Court Masters' Section immediately.
3. Registry is directed to communicate a copy of the representation dated 1-2-2005 along with a copy of this order.

(B/O)

gbs

To

1 The District Collector, Kadapa, Kadapa District.
2 The Mandal Revenue Officer, Khajipet, Khajipet Mandal, Kadapa District.
3 The Revenue Divisional Manager, Kadapa, Kadapa District.

4. 2 CCs to G.P. for Revenue, High Court of AP Bldgs, Hyderabad (OUT).

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